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**DeNUCCI SAYS SEX OFFENDER REGISTRATIONS
SLOWED BY LEGAL OBSTACLES**

State Auditor Joe DeNucci reported today that legal obstacles have delayed the registration of sex offenders and hindered the effectiveness of Massachusetts' Sex Offender Registry Board (SORB).

According to DeNucci's audit, 2,928 of the 15,825 sex offenders in the registry's database were not registered as of last November. Of these, 2,372 sex offenders in the database have never been located. Many of the offenses were committed during the 1960s and 1970s, before the registry law took effect. Many had died, moved out of state, were incarcerated or had been deported. DeNucci said part of the problem is that the registry's start-up was delayed for several years by legal challenges and legislative changes.

DeNucci's audit also found that the courts often have not enforced penalties for sex offenders who fail to register. Of 2,766 arraignments for failure to register, 1,260 cases were dismissed, 606 resulted in convictions, 127 were not prosecuted, 23 were found not guilty, and charges are still pending against 750. Even when convicted, the courts do not impose the penalties in the law and usually only require the offender to register.

"Enforcement of registration requirements is essential to the integrity of the Sex Offender Registry," said DeNucci. "Penalties for failing to register should be enforced so that offenders understand the legal consequences of their actions."

DeNucci's audit also cited delays in the hearing process. About 40 percent of offenders request hearings on their classifications in an effort to either be reclassified to a lower risk classification or to delay the process of public notification. The hearing process prohibits public notification of a sex offender until the process is completed. Some cases can take up to a year before final classifications are determined, due to classification appeals, budget constraints, and a lack of available hearing sites because potential hosts do not want offenders in their area.

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DeNucci added, “Serious consideration should be given to pending legislation that would require the classification of sex offenders before they are released from prison.”

The audit also noted that because definitions of a sex offender differ from state to state, an offender could enter Massachusetts without notifying state or local authorities.

DeNucci said the Sex Offender Registry Board has been making a good-faith effort to increase compliance with the law. For example, the SORB won passage of legislation requiring the Registry of Motor Vehicles to suspend the driver’s license of offenders who do not register.

In addition, the SORB established a voluntary program for local police departments to conduct random audits of addresses listed in the registry. Although some police departments are not participating in this program out of concern that it creates an unfunded mandate, the Sex Offender Registry Board indicated it would continue to work with state and local law enforcement authorities to increase registration compliance.

Finally, in response to an audit finding that the board had stopped collecting the statutorily required \$75 sex offender registry fee, the Sex Offender Registry Board has mailed nearly 3,500 letters informing offenders that they must pay the fee. The board had stopped collecting the fee due to a budgetary misunderstanding.

“The Sex Offender Registry Board has made substantial progress and must continue to ensure compliance with this important law despite the numerous obstacles it faces,” DeNucci concluded. “I urge the Legislature, the courts and the law enforcement community to continue working to improve the effectiveness of this important public safety law.”